

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

**KENT COFFMAN,**

Plaintiff,

Civ. 07-1082-CL

**v.**

**REPORT AND RECOMMENDATION**

**Commissioner of Social Security,**  
Defendant.

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**CLARKE, Magistrate Judge.**

Plaintiff's motion for extension of time to file a completed in forma pauperis application (#1) was granted. Plaintiff was ordered to file an amended in forma pauperis application or pay the filing fee by September 4, 2007. Plaintiff failed to do either.

plaintiff is ordered to show cause in writing within by September 21, 2007 why this case should not be dismissed with prejudice for failure to comply with the court's order. Plaintiff was told that failure to respond in writing to the order would result in dismissal of this case with prejudice.

Plaintiff has not responded to the order to show cause.

**RECOMMENDATION**

Based upon the foregoing, it is recommended that plaintiff's case be dismissed without prejudice for failure to prosecute and failure to comply with the court's orders.

*This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals.* Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. *Objections to this Report and Recommendation, if any, are due on October 9, 2007. If objections are filed, any responses to the objections are due 14 days after the objections are filed.* Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this \_\_\_\_ 25 \_\_\_\_ day of September, 2007.

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/s/ \_\_\_\_\_

UNITED STATES MAGISTRATE JUDGE

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